

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CEDRIC J. MARBURY,

Petitioner,

-vs-

STUART HUDSON, Warden,

Respondent.

:

Case No. 3:05-cv-270

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 9), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 10, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition herein be dismissed with prejudice.

September 15, 2008.

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge